



# TOWN OF PALMER CONSERVATION COMMISSION

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Sarah Brodeur, Chair  
Donald Blais, Jr, Vice Chair  
Peter Izyk  
David Cotter

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## MEETING MINUTES

**TUESDAY JANUARY 24, 2017 @ 4:00 PM**

**Members Present:** Sarah Brodeur (Chair)  
Donald Blais, Jr (Vice Chair)  
Peter Izyk  
Dave Cotter  
Angela Panaccione (Agent)

**Members Absent:** All Present

**Also Present:** No Public Present

**Meeting Opens:** 4:00 PM – Sarah Brodeur (Chair)

### **4:00 PM Administrative Matters: Minute Approval – January 10, 2017**

**Motion made by Donald Blais, Jr to approve the minutes from January 10, 2017**

**Motion seconded by David Cotter**

**No further discussion – vote taken: 4-0-0**

### **4:03 PM Land Management Committee Reports**

The Subcommittee met Tuesday January 10, 2017 at 4:30pm to discuss and work on the Recreational Trails Grants (due date/deadline for all RTP grants is February 1, 2017). The subcommittee reviewed the draft narrative & budget. The next meeting is scheduled for Monday January 30, 2017 at 4:00pm and will consist of a final review of the whole grant application, which will be mailed out January 31, 2017.

The Subcommittee also received two new requests for appoints to the subcommittee. The first is Howard Fife, who is currently President of Opacum Land Trust and has served on their Board of Directors for 17 years. Howie was also a Park Supervisor for the Mass Forest and Parks for 32 years, and supervised the management of over 5000 acres of local State Parks and Forest.

**Motion made by Donald Blais, Jr to appoint Howard Fife to the Land Management Subcommittee**

**Motion seconded by David Cotter**

**No further discussion – vote taken: 4-0-0 – Motion Carries**

The second individual to express interest in joining the subcommittee is Sheri Jyringi, of 20 West Ware Road. Sheri has 30 acres of Palmer Conservation Land abutting her property and spends a lot of her time horseback riding on it.

**Motion made by Donald Blais, Jr to appoint Sheri Jyringi to the Land Management Subcommittee**

**Motion seconded by Peter Izyk**  
**No further discussion – vote taken: 4-0-0 – Motion Carries**

**4:12 PM      Administrative Matters: Upcoming Conferences**

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The Agent informed the Commission of two upcoming conferences. Agendas & registration forms were provided to members. Anyone interested in attending either should register online, and have the Commission invoiced for the conference fee. The two conferences are:

1. MACC Spring Conference – Saturday March 4, 2017, from 8am-6pm @ Holy Cross in Worcester
2. Mass Land Conservation Conference – Saturday, March 25, 2017, from 8am-4pm @ Worcester Technical High School

**4:18 PM      Request for Certificate of Compliance (COC): DEP #256-0314 – Lake Thompson**

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The Commission received a request for a Certificate of Compliance from Solitude Lake Management, c/o Lake Thompson Civic Association for the aquatic management of nuisance vegetation in Lake Thompson, under the Order of Conditions for DEP # 256-0314. The OOC governing management of Lake Thompson, specifically the use of USEPA approved herbicides and algaecides to control nuisance aquatic plants and algae, was issued in the spring of 2016. No work was performed under this Order in 2016. The Civic Association would like to close the existing OOC and intends to resubmit a new Notice of Intent including both treatment with USEPA aquatic herbicides and area selective hydro-raking. The Conservation Agent conducted a site visit on January 17, 2017 and determined no work regulated by the Order of Conditions had commenced in 2016.

**Motion made by Donald Blais, Jr to issue an Invalid Certificate of Compliance for DEP # 256-0314, finding the work regulated by the above-referenced Order of Conditions never commenced**

**Motion seconded by Peter Izyk**  
**No further discussion – vote taken: 4-0-0**

It will be noted that no future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

**4:20 PM      Administrative Matters: Other Projects, Monitoring, Enforcement and Violations**

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1. Discuss Palmer Landfill Solar Array – The Agent conducted a site visit The Commission will closely monitor the site, and will meet with contractors in the spring to develop a restoration planting plan, as the nine (9) high brush blueberries proposed will not be sufficient for the completely cleared southern portion of the site. No enforcement action will be taken at this time.
2. New Violation: Lot 2 Boston Road: On January 11, 2017 the erosion control line blew at Lot 2 Boston Road and heavy amounts of fine sediments entered the Quaboag River. The Agent supplied the Commission with photos and videos of the Violation. The Agent, in coordination with Chair Brodeur (who also conducted a site visit and observed the violation occurring) have scheduled an administrative hearing for 7:30pm on February 7, 2017 in order to discuss fining the Solar Company. NextSun has already offered restitution for previously administrative violation documented on December 5, 2016 for failure to notify the Commission prior to activity. At that point (December 5, 2016) the Agent instructed the company to install their required detention basin immediately. According to the NOI and the SWPPP a temporary basin should have been installed prior to any site disturbance, and the final basin should have been constructed during initial site grading (prior to any solar array construction). If the basin had been constructed according to the schedule, or even the week or two after the Agent discovered it was not in place the new violations would not have occurred. The discharge of sediments into an impaired water way was due to NextSun negligence at complying with the OOC, site plan, SWPPP, OMP, and construction schedule.

3. Violation Update – Palmer Motorsports Park Septic System: Fred Ferguson, owner PMP has request a list of items needed to receive a Certificate of Compliance for the project. The Commission unanimously agreed Mr. Ferguson should know what he needs to do by now. They instructed the Agent to not give him a list and tell him to read his permit, it's all right there. They also instructed the Agent to inform Mr. Ferguson the Commission will not begin any work until he submits an official Request for a Certificate of Compliance, including:
- A completed WPA Form 8A: Request for a Certificate of Compliance
  - A letter from Donald Frydryk certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
  - An "As-Built" plan signed and stamped by Donald Frydryk showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act and the Palmer Wetlands Protection Ordinance.
  - Any post-construction photographs demonstrating compliance with this Order, including established vegetation in exposed areas.
  - The COC Fee, which is \$10/acre of Project Site. The Commission also wanted it noted that any requests for COC on sites with open enforcement action shall be charged double (200%) the fee.

Besides making sure the entire site is stabilized (vegetation growing on area of exposed soils) the Commission still has issues with the loss of Old Quarry Road (which had a surveyed easement recorded against the deed and is not under the access road) and the fact PMP has placed a locked security gate on their property, there by restricting the Commission access to its own property. At this point, due to the damages that have occurred on Conservation Land from construction the Commission wants to be compensate for the loss of both the property, and Old Quarry Road hiking trail.

4. Recreational Trails Grant: The Commission continued to work on the trails grant. It was decided to include both a 16' X 20' observation deck and a Universally Accessible Fishing Area where the pew currently is. The final ADA trail design will be the same as the Fort River Universal Access Birding and Nature Trail in Hadley. Andrew French, Project Manager for Fort River met the Agent and Chair Brodeur on site today and shared his knowledge on designing universally accessible trails. When we begin the project he has offered to take the main site workers on a tour of Fort River prior to construction so he can go over specifics and show them the final products they will be constructing (trail bed, raised look-outs on pads). He also said he should also be able to stop by the site a few times during construction to answer any questions that may arise.

**Office Closed:** Wednesday January 25, 2017

**Next Meeting Date:** Tuesday February 7, 2017 at 7:00pm

**Meeting Adjourned:** 5:45 PM

**Motion made by Donald Blais, Jr to adjourn at 5:45 PM**

**Motion seconded by Peter Izyk**

**No further discussion – vote taken: 4-0-0 – Motion Carries**

Sincerely Submitted,  
Angela C Panaccione, Conservation Agent